

CITY OF LEROY  
COUNTY OF MCLEAN  
STATE OF ILLINOIS

ORDINANCE NO. 611

AN ORDINANCE FOR THE APPROVAL OF A SUBDIVISION AGREEMENT AND BOND

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 17th  
DAY OF July, 1995.

PRESENTED: July 17, 1995

PASSED: July 17, 1995

APPROVED: July 17, 1995

RECORDED: July 17, 1995

PUBLISHED: July 17, 1995

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

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The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X Jeanita Bagley  
City Clerk of the City of LeRoy,  
McLean County, Illinois

Dated: July 17, 1995.

ORDINANCE NO. 611

AN ORDINANCE FOR THE APPROVAL OF A SUBDIVISION AGREEMENT AND BOND

WHEREAS, the Mayor and City Clerk of the City of LeRoy, Illinois, an Illinois municipal corporation, have reviewed a subdivision agreement and bond, and accompanying letter of credit, all submitted by C. R. EPPERSON CONSTRUCTION INC.

OWNER/DEVELOPER of the proposed Countryside Estates Subdivision to the City of LeRoy, and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the City of LeRoy to approve said subdivision agreement and bond to enable the finalization of the proposed final plat of the aforesaid subdivision,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, in lawful meeting assembled, as follows:

Section 1. That the subdivision agreement and bond, a copy of which are attached hereto labeled Exhibit A, and incorporated herein by reference, is hereby approved.

Section 2. The Mayor and City Clerk of the City of LeRoy are hereby directed to sign the aforesaid subdivision agreement, including as many copies as may be appropriate, and the City Clerk is hereby directed to file a complete copy of said subdivision agreement in the permanent records of the City.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by David McClelland, seconded by Ronnie Litherland, by roll call vote on the 17th day of July, 1995, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE:

David McClelland, Lois Parkin, Ronnie Litherland, Dawn Thompson, George Cook  
(full names)

VOTING NAY:

None

(full names)

ABSENT, ABSTAIN, OTHER:

Fred Dodson absent

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 17th day of  
July, 1995.

X Juanita Dagley  
Juanita Dagley, City Clerk of the City of LeRoy,  
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 17th day of

July, 1995.

X Jerry C. Davis  
Jerry C. Davis, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

X Juanita Dagley  
Juanita Dagley, City Clerk, City of LeRoy,  
LeRoy, McLean County, Illinois

SUBDIVISION AGREEMENT AND BOND

C.R. EPPERSON CONSTRUCTION, INC

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\_\_\_\_\_, hereinafter referred to as "OWNER/DEVELOPER," held and firmly bound unto the City of LeRoy, McLean County, Illinois, and Illinois municipal corporation, hereinafter referred to as "CITY" in the penal sum of One hundred seven thousand, seven hundred and 00/100 dollars (\$107,700.00), lawful money of the United States, for which the undersigned bind themselves as Principal and Surety to be truly made by them, their heirs, executors, administrators, assigns and successors in interest, jointly and severally in the following manner.

SEALED AND DATED this 17th day of July, 1995, at LeRoy, McLean County, Illinois.

WHEREAS, a request has heretofore been filed with the City Council of the City of LeRoy, McLean County, Illinois, for the acceptance of a tract of land as a subdivision to the City of LeRoy, under the name and title of "COUNTRYSIDE ESTATES SUBDIVISION", per plat of Perry Lewis, Registered Illinois Land Surveyor Number 1874, consisting of 31 numbered lots and streets, dated July 3, 1995, the plan of which plat has received preliminary approval by the City Council of the City of LeRoy, Illinois, or which preliminary approval has been waived and which plat will be finalized upon OWNER/DEVELOPER's meeting the further requirements of the subdivision ordinance of the City of LeRoy, and

WHEREAS, the legal description of the property sought to be subdivided, for which a final plat will be presented and for which property this bond is given, is as follows, to-wit:

(See attached Exhibit A)

and

Exhibit A

WHEREAS, said OWNER/DEVELOPER promises and guarantees that all construction on said proposed subdivision improvements shall be done in a workmanlike manner and in compliance with the subdivision ordinance of the City of LeRoy and subject at all times to inspection and approval by CITY or its appropriate agent(s), and shall be completed on or before July 17, 1997, and upon the further guarantee that all damage or liability incurred by CITY, its agents, officers, independent contractors, and/or employees, which damage or liability is caused or results from a construction operation or repairs made by OWNER/DEVELOPER to said improvements, pursuant to the terms of the aforesaid plans and specifications, will be repaired by OWNER/DEVELOPER, and CITY, its agents, officer, independent contractors, and/or employees, shall each and everyone be held and saved harmless from any and all claims whatsoever arising from the operations of OWNER/DEVELOPER for and during the period from the acceptance of this agreement and bond by CITY of all matters and things required by the aforesaid subdivision ordinance and herein bonded to be done; and

WHEREAS, OWNER/DEVELOPER, by execution of this agreement and bond, promises and guarantees to pay to CITY the penal sum set forth in this bond and agreement as secured by a Letter of Credit from Busey Bank of McLean County, dated July 17, 1995, and incorporated herein by reference, as a contribution to the cost of constructing said subdivision improvements as more fully detailed in Exhibit B, attached hereto and incorporated herein by reference, upon receipt within two years from the date hereof of a certificate of completion signed by the City Engineer of CITY certifying that the construction of the aforesaid subdivision improvements is not less than the standards set forth by CITY and has been completed.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded OWNER/DEVELOPER shall well and truly keep, do and perform each and every, all and singular, the matters and things set forth and specified in this agreement and bound to be done by OWNER/DEVELOPER and performed by OWNER/DEVELOPER at the time and in the manner as in the obligation and the subdivision ordinance terms of CITY specified, or shall pay over, make good, reimburse and save CITY harmless from all loss and damage which CITY may sustain by reason of failure or default on the part of said OWNER/DEVELOPER so to do, then this obligation shall be null and void. Otherwise, the same will remain in full force and effect.

Letter of Credit accepted in lieu of any other surety on this Subdivison Agreement and Bond.

X: C.R. Epperson  
C.R. Epperson, President

X: M.M. Epperson Sr. - Tre  
M.M. Epperson, Secretary

X: \_\_\_\_\_

X: \_\_\_\_\_

CITY OF LEROY, MCLEAN COUNTY, ILLINOIS

BY: \_\_\_\_\_  
Jerry C. Davis, Mayor, City of LeRoy,  
McLean County, Illinois

ATTEST:  
(SEAL)

\_\_\_\_\_  
Juanita Dagley, City Clerk, City of LeRoy,  
McLean County, Illinois

STATE OF ILLINOIS

MCLEAN COUNTY

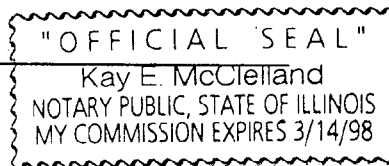
}  
ss.

I, the undersigned, a Notary Public in, and for the said County and State aforesaid, DO HEREBY CERTIFY, that C.R. Epperson as President and M.M. Epperson as Secretary, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the said instrument as his/her/their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 17th day of July, 1995.

Kay E. McClelland  
Notary Public

My commission expires: \_\_\_\_\_



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STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF MC LEAN     )

I, the undersigned, a Notary Public in and for said county and state aforesaid, do hereby certify that Jerry C. Davis, personally known to me to be the Mayor of the City of LeRoy, and Juanita Dagley, personally known to me to be the City Clerk of said City, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk they signed and delivered said instrument of writing as Mayor and as City Clerk of said City, and caused the seal of the City of LeRoy to be affixed thereto, pursuant to authority given by the City Council of said City as their free and voluntary act, and as the free and voluntary act and agreement of the City of LeRoy for the uses and purposes therein set forth.

Given under my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

This instrument was prepared by: Hunt Henderson, Attorney at Law, Attny No. 01186256, 112 East Center Street, LeRoy, Illinois 61752

A resubdivision of lots 1, 2, 6, 7, 10, 11 and 12 of Central Prairies Commercial Park in the East one-half of Section 29, Township 22 North, Range 4 East of the Third Principal Meridian as shown on the plat recorded April 16, 1981, as Document No. 81-3119, and being situated in the City of LeRoy, McLean County, Illinois.

EXHIBIT A



Watermain Installation	\$12,775.00
Sanitary Sewer Installation	43,100.00
Streets and Sidewalks - Installation	36,842.00
Engineering	<u>14,983.00</u>
TOTAL	\$107,700.00

IRREVOCABLE LETTER OF CREDIT

Date: July 17, 1995

The Busey Bank of McLean County, formerly known as LeRoy State Bank

To: County of McLean, Illinois

We hereby authorize you to draw from our financial institution up to an aggregate amount of One hundred seven thousand, seven hundred dollars and 00/100 United States Dollars (\$107,700.00) (100 percent of estimated construction costs for all subdivision improvements) from the account of \_\_\_\_\_

\_\_\_\_\_  
C.R. EPPERSON CONSTRUCTION, INC.

subdivider and/or owner (hereinafter referred to as "Subdivider").

This Letter of Credit is available to you upon your presentation of a request for payment, accompanied by a signed statement from the City Engineer for the City of LeRoy, Illinois, that \_\_\_\_\_

\_\_\_\_\_  
C.R. EPPERSON CONSTRUCTION, INC.

\_\_\_\_\_, (Subdivider) has failed to complete the required construction of the subdivision improvements required for the COUNTRYSIDE ESTATES SUBDIVISION \_\_\_\_\_ in accordance with City of LeRoy, Illinois, Land Subdivision Ordinance and the Subdivision Agreement and Bond signed by said Subdivider on JULY 17, 1995.

We hereby agree to honor each draft drawn under and in compliance with the terms of this letter, if and when duly presented at this office in LeRoy, Illinois, until the expiration of two (2) years after approval and acceptance by the City of LeRoy, Illinois, of all such subdivision improvements within said subdivision, or until such late date as any written claim by the city against the Subdivider or its financial institution is finally resolved.

The irrevocable credit established by us shall remain in effect without regard to any default in payments of sums owed to us by the Subdivider and without regard to other claims which we may have against the

Subdivider. It is recognized that the City of LeRoy is according the Subdivider the permission to proceed with the development of the subdivision expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the Subdivider.

SIGNED:

Busey Bank of McLean County, formerly known as  
LeRoy State Bank

By:

X *Ron Wesbecher*  
Ron Wesbecher, President

ATTEST:

(SEAL)

X *Mari Lussoway*  
Cashier

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of Le Roy, McLean County, Illinois.

I further certify that on July 17, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 611 entitled:

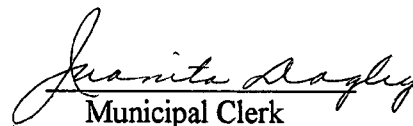
**AN ORDINANCE FOR THE APPROVAL OF A  
SUBDIVISION AGREEMENT AND BOND**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 611, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on July 18, 1995, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois, this 18th day of July, 1995.

(seal)

  
Municipal Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE FOR THE APPROVAL OF A SUBDIVISION AGREEMENT AND BOND.**

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 1995, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

X \_\_\_\_\_  
                                  City Clerk

(SEAL)